

REMARKS

Claims 11-23 are pending in the present application. Claims 11 have been amended, leaving Claims 11-23 for consideration upon entry of this amendment. Support for the amendments to Claim 11 may be found in Examples 1 and 2 in Table 1, Claim 1 as originally filed, and page 16, lines 19-23. Support for the amendments to Claim 19 may be found on page 16, lines 19-23, page 5, line 23, and page 11, lines 1-4. No new matter has been introduced by these amendments. Reconsideration and allowance of the claims is respectfully requested in view of the above amendments and the following remarks.

1. Claim Rejections Under 35 U.S.C. §112, first and second paragraph

Claims 11-23 stand rejected under 35 USC §112, first and second paragraphs for failing to comply with the written description requirement and for being indefinite. Although Applicants respectfully disagree with the Examiner's rejections Applicants have amended the claims in order to advance prosecution. Antecedent basis for the amendments are set forth in the above paragraphs. In light of the amendments, Applicants earnestly request withdrawal of the rejections under 35 USC §112, first and second paragraphs.

2. Claim Rejections Under 35 U.S.C. §103

Claims 11-23 stand rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 5,204,394 to Gosens et al., U.S. Patent No. 5,643,981 to Yang et al. and U.S. Patent No. 4,883,835 to Buysch.

Claim 11 is directed to a flame retardant thermoplastic composition comprising an aromatic polycarbonate resin; a vinyl aromatic-unsaturated nitrile-diene rubber graft copolymer; a vinyl aromatic-unsaturated nitrile rigid resin in an amount of from 1 to 2.5 weight percent based on the total weight of the composition; a phosphate; and a tetrafluoroethylene polymer, wherein the diene rubber of the graft copolymer is present in an amount of 6 to 12 percent by weight based on the total weight of the composition and the composition retains 80% or more of the original Izod impact strength after one week aging at

New Claim 19 is directed to a flame retardant thermoplastic composition comprising an aromatic polycarbonate resin; a vinyl aromatic-unsaturated nitrile-diene rubber graft copolymer; a vinyl aromatic-unsaturated nitrile rigid resin; a phosphate; and a tetrafluoroethylene polymer, wherein at least a portion of the aromatic polycarbonate resin has a number average molecular weight of between 2,000 and 21,000, the vinyl aromatic-unsaturated nitrile rigid resin has a number average molecular from 10,000 to 100,000 or at least a portion of the aromatic polycarbonate resin has a number average molecular weight of between 2,000 and 21,000 and the vinyl aromatic-unsaturated nitrile rigid resin has a number average molecular weight from 10,000 to 100,000 and further wherein the diene rubber of the graft copolymer is present in an amount of 4 to 12 percent by weight based on the total weight of the composition and the composition retains 80% or more of the original Izod impact strength after one week aging at 63°C and 100% relative humidity.

U.S. Patent No. 5,204,394 to Gosens et al. (Gosens) discloses a composition comprising an aromatic polycarbonate, a styrene containing copolymer and/or a styrene containing graft copolymer, a phosphate based flame retardant, and an optional perfluoroalkane polymer. (Col. 1, lines 11-16 and Col. 2, lines 49-57) The aromatic polycarbonate is present in an amount of 5-95 % by weight and the styrene containing copolymer and/or a styrene containing graft copolymer is present in an amount of 5-95 % by weight. (Col. 3, lines 12-17). Gosens is silent with regard to the molecular weight of the aromatic polycarbonate. With regard to the styrene containing copolymer and/or a styrene containing graft copolymer, Gosens teaches in the examples that the styrene containing copolymer can have a molecular weight of about 100,00. (Col. 6, lines 31-34). Gosens does not teach a low molecular weight styrene containing copolymer and Gosens does not teach a composition having less than 2.5 weight percent of a styrene containing copolymer.

U.S. Patent No. 5,643,981 to Yang et al. (Yang) discloses a composition comprising 2-20 parts by weight aromatic disphosphates, 2-7 parts by weight phosphorous compounds, 0.1-2.0 parts by weight perfluoroalkyl resins per 100 parts by weight of the resin mixture consisting of from 60-98% by weight polycarbonate resins, 2-40 % by weight styrene-
containing copolymer resins and from 0 to 30 % by weight styrene-containing

copolymer resins. Yang is completely silent with regard to the molecular weight of any of the resins making up the resin mixture. Additionally, while Yang discloses that the styrene-containing copolymer resin may be present in any amount up to 20% by weight, the examples contain either 0, 9 or 10 weight percent styrene-containing copolymer and do not provide sufficient teaching with regard to compositions containing low levels (1 to 2.5 weight percent) of the styrene-containing copolymer in combination with high levels of rubber as is instantly claimed.

U.S. Patent No. 4,883,835 to Buysch discloses a composition comprising 20-90 parts by weight aromatic polycarbonate, 0-50 parts by weight of a styrene graft copolymer, 5-70 parts by weight of a styrene copolymer, 0-15 parts by weight of a halogen compound, 1-20 parts by weight of a phosphorous compound, 0.05-1.0 parts by weight of a tetrafluoroethylene polymer, and 0.2-5.0 parts by weight of an antistatic agent. When the parts by weight of Buysch are converted to weight percent, it is clear that the minimum amount of styrene copolymer taught by Buysch is 2.7 weight percent. In addition, Buysch does not teach or suggest the use of low molecular weight polycarbonate or the use of low molecular weight styrene copolymer as is instantly claimed.

In summary Applicants believe that none of the cited references either singly or in combination contain adequate teaching to support a prima facie case of obviousness because none of the references teach the use of low molecular weight polycarbonate or low molecular weight styrene copolymer. Additionally none of the cited reference teach the use of amounts of styrene copolymer of 1 to 2.5 weight percent in compositions having a rubber content of 6-12 percent by weight.

It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance is requested.

If there are any additional charges with respect to this Amendment or otherwise,
please charge them to Deposit Account No. 07-0862 maintained by the Assignee.

Respectfully submitted,

CANTOR COLBURN LLP

By: Patricia S. DeSimone ✓

Patricia S. DeSimone

Registration No. 48,137

Customer No. 23413

55 Griffin Road South

Bloomfield, Connecticut 06002

Telephone: (860) 286-2929

Facsimile: (860) 286-0115

Date: July 7, 2003

FAX RECEIVED
JUL 08 2003
TC 1700